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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,989	03/26/2004	David Hughes Home	00179.0002	9603

7590

08/28/2006

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EXAMINER

ALANKO, ANITA KAREN

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/809,989

EXAMINER

ART UNIT	PAPER
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20060821

DATE MAILED:

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Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on May 26, 2006 is not fully responsive to the prior Office action because it does not have proper underlining and bracketing of inserted and deleted words. Amendments to the specification should be by whole paragraph amendment with the paragraph number marked. References (for example the journal article submitted with the amdt) to be considered by the examiner should be listed on a separate piece of paper and marked "IDS".

It is requested that the attorney include remarks describing the errors in the rejection and how they relate to the affidavits, rather than rely only on the affidavits. Although the affidavits may be persuasive, their intent may be misunderstood by the examiner.

Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

Anita K Alanko
Primary Examiner
Art Unit: 1765